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**FILED**  
DISTRICT COURT OF GUAM

JAN 19 2007

MARY L.M. MORAN  
CLERK OF COURT

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA, )  
11 )  
12 Plaintiff, )  
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14 vs. )  
15 )  
16 MELVIN LEON GUERRERO, )  
17 )  
18 Defendant, )  
19 )  
20 )  
21 SMITHBRIDGE GUAM INC., )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
Garnishee.

CRIMINAL CASE NO. 97-00026

**FINAL ORDER IN  
CONTINUING GARNISHMENT**

**FINAL ORDER IN CONTINUING GARNISHMENT**

21 This matter is before the Court for consideration of the entry of a final order in continuing  
22 garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990,  
23 28 U.S.C. § 3205, against the non-exempt earnings of the judgment defendant, MELVIN LEON  
24 GUERRERO. An Application of Writ of Continuing Garnishment directed to Garnishee has  
25 been duly issued and served upon the Garnishee. Pursuant to the Writ of Continuing  
26 Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ it  
27 had in its possession or under its control personal property belonging to and due defendant, in the  
28 form of earnings.

**ORIGINAL**


1 The defendant was served with a copy of the Writ of Continuing Garnishment and  
2 notified of his right to a hearing. The defendant has not requested a hearing to determine exempt  
3 property.

4 Whereupon the Court, having considered the Application for a Writ of Continuing  
5 Garnishment against the earnings of the Defendant, the Answer of the Garnishee, and noting that  
6 the defendant, MELVIN LEON GUERRERO, has not exercised his right to request a hearing  
7 now finds that the entry of a final order of continuing garnishment is in all respects proper.

8 IT IS THEREFORE ORDERED Garnishee shall pay to plaintiff the lesser of a) 25% for  
9 any workweek, pursuant to 15 U.S.C. § 1673(a), of defendant's disposable earnings or b) the  
10 amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly  
11 wage. "Disposable earnings" are those earnings remaining after deductions of any amount  
12 required by law to be withheld, such as social security and withholding taxes. These payments  
13 shall be made at the same time the employee is paid and shall continue until the debt to the  
14 plaintiff is paid in full or the Garnishee no longer has custody, possession or control of any  
15 property belonging to the debtor or until further Order of this Court. Payments shall be made  
16 payable to the "**Clerk, U.S. District Court of Guam**" and sent to the U.S. District Court of  
17 Guam, 4<sup>th</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910.

18 IT IS FURTHER ORDERED that any amounts which the Garnishee may be holding  
19 pursuant to the Writ of Continuing Garnishment shall immediately be turned over to the Clerk,  
20 U.S. District of Guam, 4<sup>th</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam  
21 96910.

22 DATED this 19<sup>th</sup> day of January, 2007.

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26 FRANCES M. TYDINGCO-GATEWOOD  
27 Chief Judge  
28 District Court of Guam